

1 IN THE UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF MISSOURI
3 WESTERN DIVISION

3 ANDREW FOSTER, ET AL,)
4 Plaintiff,) No. 6:15-CV-03519-BCW
5 v.) October 6, 2016
6 L-3,) Kansas City, Missouri
7 Defendant.) CIVIL

8 TRANSCRIPT OF TELEPHONE CONFERENCE
9 BEFORE THE HONORABLE BRIAN C. WIMES
10 UNITED STATES DISTRICT JUDGE

11 Proceedings recorded by electronic voice writing
12 Transcript produced by computer

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1 October 6, 2016

2 (Proceedings began at 9:05 AM)

3 THE COURT: Good morning, counsel.

4 MR. DOLLAR: Good morning, Your Honor.

5 MR. LANGAN: Good morning.

6 THE COURT: I won't go through everyone's name, but
7 I do know who is on. We have on the record who is on the
8 phone. I guess I'll start with I did receive the proposed
9 scheduling order. And that seems to be fine, you know, from
10 my perspective. I just wanted something in place so we can
11 work forward.

12 I think my courtroom deputy had said -- and I think
13 Mr. Langan, I will have you respond, that you wanted an
14 extension of time to file a response or reply; is that
15 correct?

16 MR. LANGAN: Your Honor, this is Andy Langan. So we
17 had filed a motion to extend time to answer otherwise pled to
18 the consolidated complaint. However, I will tell you that if
19 the agreed scheduling order is entered as is, if it is.

20 THE COURT: Yes.

21 MR. LANGAN: That would moot the motion for
22 extension of time and Your Honor will not need to act on that.
23 And in fact, we'd be happy to withdraw it.

24 THE COURT: Okay.

25 MR. LANGAN: Yes.

1 THE COURT: Okay. I mean, what I was told -- and I
2 didn't even look close enough to see that that would moot it
3 out. I just know there could have been an issue. My
4 inclination was to grant it at this point, but if it's a moot
5 issue, than it's a moot issue. It's the Court's intent to
6 accept your proposed scheduling order as submitted to the
7 Court, and we can just move from there.

8 MR. LANGAN: That is certainly how we see it.

9 MR. DOLLAR: Your Honor, this is Tim Dollar.

10 THE COURT: Okay. Mr. Dollar?

11 MR. DOLLAR: Yeah, we reached agreement on all that.

12 THE COURT: Okay.

13 MR. DOLLAR: Which is incorporated into the
14 scheduling order. So I agree.

15 THE COURT: Okay. And if Mr. Langan, if you want to
16 just move to withdraw that, and I think we'll be fine and we
17 can go from here.

18 MR. LANGAN: That's what we will do, Your Honor.
19 Thank you very much.

20 THE COURT: Okay. Now, I know I just wanted to get
21 that settled. Is there anything else that we need to take up?
22 I don't believe there is.

23 MR. DOLLAR: For plaintiffs, Your Honor, I do not
24 believe so.

25 THE COURT: Okay.
4

1 MR. DOLLAR: We -- I had numerous discussions with
2 counsel for defendant yesterday. And we kind of have a --
3 they have been advised of kind of our plan. We intend to
4 commence all our written discovery. Yesterday, we have spoken
5 I think with everyone on this call from the defense side.

6 THE COURT: Okay.

7 MR. DOLLAR: So I think communications are ongoing
8 in a constructive way, and we will proceed.

9 THE COURT: All right. Great. Well, you know, if
10 anything comes up especially during this discovery process, I
11 think it may be as we deal with issues that may pertain to the
12 class as opposed to kind of general. You know, if issues come
13 up, please call. Because I think what will happen eventually
14 is -- if I can use the football term, will set the edge on
15 these issues and you'll see how I rule. If you seem to think,
16 hey, this is crossover, it goes to both, and the other side
17 doesn't. So feel free early on definitely to call me because
18 I think that will give all parties an opportunity to see where
19 I fall on issues pertaining to some of those things that may
20 come up. But if not, they don't, and you guys will do what
21 you do so. I appreciate you all getting on the phone.

22 MR. DOLLAR: Thank you.

23 MR. GODFREY: Thank you very much, Your Honor. This
24 is Rick Godfrey, we greatly appreciate it. I should mention
25 that we continue to make progress on settlement. We are not

1 there yet.

2 THE COURT: Okay.

3 MR. GODFREY: We are still moving forward. Things
4 are moving in the right direction I think from our
5 prospective.

6 THE COURT: That's always music to the Court's ears.
7 Hopefully that will go well. I appreciate you letting me know
8 that. Again, I appreciate you all getting on the phone, and I
9 wish you all a great day.

10 (THEREUPON, the following proceedings were adjourned.)

11
12 CERTIFICATE

13
14 I certify that the foregoing is a correct transcript
15 from the record of the proceedings in the above-entitled
16 matter.

17 November 8, 2016

18
19 /s/ Denise C. Halasey
20 Denise C. Halasey, CCR, CVR-CM
21 United States Court Reporter
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